

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Forney Tracey Estate
(*Executrix Tracey Briggs-Hall*),

Plaintiff,

v.

Ernest Jarrett; Berkely County Department
of Social Services; Berkely County Police
Department; Summerville Police
Department; and Berkeley County Family
Court,

Defendants.

Case No. 2:21-cv-02506-RMG

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 22), recommending dismissal of the Complaint (Dkt. No. 1) and dismissal of Plaintiff’s motion for leave to proceed *in forma pauperis* (Dkt. No. 14) as moot. Plaintiff did not file any objections. For the reasons set forth below, the Court adopts the R & R as the Order of this Court and dismisses this case without prejudice.

I. Background

This is a civil action brought by a *pro se* litigant. Based on a review of the Complaint, the Court was unable to make sense of most of Plaintiff’s allegations, but it appears that at least some of the allegations relate to a parental rights dispute before the Berkely County Family Court.

The Magistrate Judge issued an R & R recommending dismissal of the case (Dkt. No. 22). Plaintiff did not file any objections. The case is now ripe for the Court’s review.

II. Standard

The Magistrate Judge makes only a recommendation this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the

Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. In the absence of specific objections, the Court reviews the R & R only for clear error, see *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005), and is not required to give an explanation for adopting the recommendation, see *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

III. Discussion

The Magistrate Judge issued a R & R recommending dismissal of this case on seven independent grounds: (1) finding summary dismissal under Rule 41(b), Fed. R. Civ. P., for failure to comply with an order of this Court, (2) finding summary dismissal for frivolousness and failure to state a claim to relief, (3) finding Plaintiff's claims barred under the domestic relations exception, which generally precludes federal courts from exercising jurisdiction over child custody matters, (4) finding Plaintiff's claims barred under the *Rooker-Feldman* doctrine, which bars a losing state court party from seeking appellate review of the state judgment in a United States district court, (5) finding Plaintiff's claims barred under the *Younger* abstention doctrine, which provides abstention is appropriate from ongoing state judicial proceedings, such as custody proceedings, (6) finding South Carolina Department of Social Services and Berkely County Family Court are entitled to Eleventh Amendment Immunity, and (7) finding that Family Court Judge Ernest Jarret is entitled to absolute judicial immunity.

Because the Plaintiff failed to object to the R & R, the Court reviews the R & R for clear error. After a thorough review of the R & R, the applicable law, and the record of this case, the Court adopts the R & R in its entirety and hereby incorporates the R & R by reference.

IV. Conclusion

The Court **ADOPTS** the R & R as the Order of this Court. The Complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE**. Plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. No. 14) is **DISMISSED AS MOOT**.

s/Richard Mark Gergel
Richard Mark Gergel
United States District Judge

October 26, 2022
Charleston, South Carolina